

(ORDER LIST: 539 U.S.)

MONDAY, JUNE 23, 2003

**CERTIORARI -- SUMMARY DISPOSITION**

02-7118 GOMES, AARON V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Second Circuit for further consideration in light of *Sell v. United States*, 539 U.S. \_\_\_\_ 2003.

**ORDERS IN PENDING CASES**

02M76 IN RE PATRICIA J. HERRING, ET AL.

The motion for leave to file a petition for a writ of *error coram nobis* is denied.

02M103 HALL, MICHAEL W. V. TEXAS

The motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed by petitioner is granted.

01-1531 MAYNES, RAYMOND J. V. COLORADO

The motion of petitioner to strike the petition for a writ of certiorari is denied.

**CERTIORARI GRANTED**

02-1389 UNITED STATES V. GALLETTI, ABEL C., ET AL.

The petition for a writ of certiorari is granted.

02-1238 ) NIXON, ATT'Y GEN. OF MO V. MO MUNICIPAL LEAGUE, ET AL.

)  
02-1386 ) FCC, ET AL. V. MO MUNICIPAL LEAGUE, ET AL.

)  
02-1405 ) SOUTHWESTERN BELL TELEPHONE V. MO MUNICIPAL LEAGUE, ET AL.

The petitions for writs of certiorari are granted.

The cases are consolidated and a total of one hour is allotted for oral argument.

02-1667 TENNESSEE V. LANE, GEORGE, ET AL.

The petition for a writ of certiorari is granted limited to Question 1 presented by the petition.

**CERTIORARI DENIED**

02-1123 ASHCROFT, ATT'Y GEN. V. SINGH, RANJIT

02-1350 CORP. OF PRESIDING BISHOP V. FIRST UNITARIAN CHURCH

02-1364 WIENER, MARK V. LAWRENCE-PICASO, ET AL.

02-1374 ALBRECHTSEN, STEVEN J. V. BD. OF REGENTS, UNIV. OF WI

02-1384 JOE'S STONE CRAB, INC. V. EEOC

02-1393 SAUCERMAN, GORDON B., ET AL. V. NORTON, SEC. OF INTERIOR

02-1464 SNYDER, WARDEN, ET AL. V. ROSALES-GARCIA, MARIO

02-1512 ARBON STEEL & SERV. CO. V. UNITED STATES

02-1516 ISI INT'L, INC. V. BORDEN LADNER GERVAIS, LLP

02-1518 SANDERS, TERRY V. MAY DEPT. STORES CO.

02-1526 POWELL, PATRICIA H. V. ALLEGHANY CORP., ETC., ET AL.

02-1527 ROGALSKI, CHRISTOPHER A. V. JANSEN, HENRY, ET AL.

02-1530 FURST, ALAN, ET AL. V. FEINBERG, STEPHEN, ET AL.

02-1531 FINDLEY, LAURA A. V. STATE FARM INSURANCE

02-1533 NELSON, RODERICK D. V. COLEMAN, SPENCER J.

02-1534 BODELL, STEPHEN R. V. ANDERSON, MARGARET J.

02-1536 TENAFly, NJ, ET AL. V. TENAFly ERUV ASSN., ET AL.

02-1538 MARTIN, KHANG V. BMW MANUFACTURING CORP.

02-1542 TANCREDI, STEPHEN, ET AL. V. METRO. LIFE INS., ET AL.

02-1548 NH DEPT. OF H&HS V. ESTATE OF GERALDINE RADUAZO

02-1551 GAYMAN, ESTHER L. V. PRINCIPAL FINANCIAL SERVICES

02-1554 GADDA, MIGUEL V. STATE BAR OF CA

02-1560 VENGADASALAM, SUBALECTHUMY V. ASHCROFT, ATT'Y GEN., ET AL.

02-1571 DWIGHT, DERRICK V. CROSBY, SEC., FL DOC

02-1586 SELIMI, BESEM V. INS

02-1589 BALDI, JOHN A., ET UX. V. FARRIN, HENRY J., ET AL.

02-1598 BISHOP, WINFORD K. V. USDC ND GA

02-1599 NE PUBL. SERVICE COMM'N. V. LINCOLN ELECTRIC SYSTEM, ET AL.

02-1601 RATCLIFF, RAMONA V. ExxonMOBIL CORP.

02-1622 WEAVER, MARK V. JONES, WARDEN

02-1630 WALLACE, BRUCE A. V. RELIANCE STANDARD LIFE INS.

02-1652 CHICAGO, IL, ET AL. V. NEWSOME, JAMES

02-1654 ) VETERINARY SURGICAL CONS. V. CIR

)

02-1682 ) YEAGLE DRYWALL CO., INC. V. CIR

02-1664 BECHHOEFER, ARTHUR S. V. DEA

02-1669 SWIFT, SUSAN J. V. UNITED STATES

02-1706 SWAN, MICHAEL V. UNITED STATES

02-8550 MURPHY, GREGORY D. V. REINHARD, COMM'R, VA DMH

02-9745 DORSEY, LEON D. V. TEXAS

02-9792 WILLIAMS, MARCELLUS V. MISSOURI

02-10107 HUTCHISON, OLEN E. V. BELL, WARDEN  
02-10160 MENOTTI, ROSALIE V. ILLINOIS  
02-10161 NICKENS, THEODORE M. V. PEARSON, WARDEN, ET AL.  
02-10165 CHALFANT, DALE C. V. TEXAS  
02-10167 BARBER, RONALD E. V. HURLEY, WARDEN  
02-10169 TYNER, DONALD J. V. SIZER, WARDEN, ET AL.  
02-10170 WILLIAMS, KENNETH D. V. NORRIS, DIR., AR DOC  
02-10176 LUTHER, MARK V. SUPERIOR COURT OF CA  
02-10177 PIERRE, JULIO V. FLORIDA  
02-10178 ROBINSON, LEWIS A. V. DAVIS, JERRY, ET AL.  
02-10179 STOCKS, DAVID P. V. ARIZONA  
02-10181 CURTIS, ALFRED E. V. OHIO  
02-10184 WHITE, LOUIS R. V. COCKRELL, DIR., TX DCJ  
02-10185 CALLOWAY, CHRISTOPHER A. V. JOHNSON, DIR., VA DOC  
02-10187 APPLEBERRY, BOBBY R. V. USDC CD CA  
02-10188 ALEXANDER, CLARK V. STRAUB, WARDEN  
02-10203 SARGENT, BUSTER V. TEXAS  
02-10210 GIRARD, ROBERT R. V. WYATT DETENTION FACILITY  
02-10211 GOMEZ, ANTHONY V. VIRGINIA  
02-10215 HARMON, LEONARD B. V. MASSACHUSETTS  
02-10216 HUEY, JOSEPH T. V. RAYMONDS, BILL, ET AL.  
02-10218 GARNER, KENNETH W. V. COCKRELL, DIR., TX DCJ  
02-10226 CRAWFORD, HILTON V. COCKRELL, DIR., TX DCJ  
02-10229 McCLINTON, MACK V. KARLEN, WARDEN  
02-10230 JONES, WILLIAM Q. V. COOPER, ATT'Y GEN. OF NC  
02-10232 JOHNSON, ARTHUR L. V. WALLS, WARDEN  
02-10234 HOPKINS, DENNIS R. V. INDETERMINATE REVIEW BD.

02-10236 GUYTON, BRUCE V. WALLS, WARDEN  
02-10238 HENDERSON, ROBERT V. VISA U.S.A. INC., ET AL.  
02-10239 HOSTETTER, ROBERT V. V. VIRGINIA  
02-10240 HUNTER, BILLY G. V. OKLAHOMA, ET AL.  
02-10242 GLASS, JAMES F. V. VanNATTA, SUPT., MIAMI  
02-10243 JONES, DERICK S. V. CROSBY, SEC., FL DOC, ET AL.  
02-10249 JOHNSON, NEIL V. CORNELL CORRECTIONS, ET AL.  
02-10251 HUSKETH, DOUGLAS L. V. BECK, SEC., NC DOC, ET AL.  
02-10252 GARY, WILBERT J. V. TEXAS  
02-10255 HARVEY, GREGORY V. PORTUONDO, SUPT., SHAWANGUNK  
02-10262 LEVER, JAMES C. V. NORRIS, DIR., AR DOC  
02-10263 JENKINS, SIDNEY V. BRADSHAW, TIM, ET AL.  
02-10271 J. B. C. vs. P. A. B.  
02-10272 MARVEL, LARRY D. V. DELAWARE  
02-10279 ZIMMERMAN, ADAM J. V. GIURBINO, WARDEN  
02-10280 ROBINSON, RANDALL J. V. GIURBINO, WARDEN  
02-10282 PATTON, L. B. V. COCKRELL, DIR., TX DCJ  
02-10285 PRENATT, DAVID V. SUPERIOR COURT OF CA  
02-10287 RIVERA, GERARDO V. ALAMEIDA, DIR., CA DOC  
02-10293 SPYCHALA, THOMAS E. V. LEWIS, WARDEN  
02-10295 FARRIS, HAROLD J. V. NATIONSANC MORTGAGE, ET AL.  
02-10297 CHAVEZ, JUAN C. V. FLORIDA  
02-10302 MORRIS, JOSEPH V. CALIFORNIA  
02-10309 WRIGHT, WILLIAM L. V. CALIFORNIA  
02-10322 BROWN, CHARLES V. SHANNON, SUPT., MAHANAY  
02-10323 APPLEBY, DAVID V. RECHT, JUDGE, ETC.  
02-10337 COLBY, STEVEN J. V. CZERNIAK, SUPT., OR

02-10348 ARMAS, ROSENDO D. V. GARCIA, WARDEN, ET AL.  
02-10399 DYSON, CHARLES V. JONES, WARDEN, ET AL.  
02-10411 THOMPSON, BRUCE A. V. ROWLEY, SUPT., NORTHEAST  
02-10424 LIGHTNER, JEROME V. CROSBY, SEC., FL DOC, ET AL.  
02-10461 HARVEY, ALVIN V. WARD, WARDEN  
02-10481 BAIDAS, ABED M. V. JENIFER, DIST. DIR., INS  
02-10492 DOUGLAS, MONTRELLE D. V. GILLIS, SUPT., COAL TOWNSHIP  
02-10505 TEAL, ROBERT R. V. JOHNSON, DIR., VA DOC  
02-10506 WILLIAMS, MATTHEW V. STRAUB, WARDEN  
02-10510 KING, SHEENA M. V. KELCHNER, SUPT., MUNCY  
02-10515 HILL, STEPHEN J. V. MISSOURI  
02-10518 HACKNEY, JOHN W. V. TURNER, SUPT., SOUTH MS  
02-10537 BITTICK, LARRY D. V. MOONEY, IREENE, ET AL.  
02-10544 SHARWELL, JACK V. SHARWELL, SPENCER, ET AL.  
02-10567 JONES, TYRONE V. UNITED STATES  
02-10629 CARROLL, GEORGE M. V. NORTH CAROLINA  
02-10645 RAMOS, JIMMY A. V. UNITED STATES  
02-10655 BARTLETT, JONATHAN V. ILLINOIS  
02-10657 ALLEN, MICHAEL V. VIRGINIA  
02-10675 JACKSON, TYRONE V. UNITED STATES  
02-10679 WALTON, ERIC A. V. UNITED STATES  
02-10683 WISE, WESLEY V. SOBINA, SUPT., SOMERSET  
02-10685 GOMEZ-HERRERA, MARTIN R. V. UNITED STATES  
02-10697 MAREK, DALE V. GROSSHANS, WILLIAM  
02-10701 GRICE, MARY A. V. UNITED STATES  
02-10704 WYNN, ERIC T. V. UNITED STATES  
02-10705 RIVERA-PEREZ, AGUSTIN V. UNITED STATES

02-10710 GUEVARA, OSCAR J. V. UNITED STATES  
02-10713 WESNER, CHRISTIAN V. UNITED STATES  
02-10714 TOLENTINO-TAVERA, JAIME V. UNITED STATES  
02-10718 WALKER, IVEY V. UNITED STATES  
02-10722 GANT, DANIEL L. V. KYLER, SUPT., HUNTINGDON  
02-10723 PEVELER, TERRY L. V. UNITED STATES  
02-10727 WALTON, PERCY L. V. JOHNSON, DIR., VA DOC  
02-10729 WILSON, ERIC L. V. UNITED STATES  
02-10730 ORTEGA-BRITO, FAVIO V. UNITED STATES  
02-10733 BROWN, JOHNNY M. V. UNITED STATES  
02-10736 ARAUJO-AVILA, ABEL V. UNITED STATES  
02-10737 MADRID, ANDREW E. V. UNITED STATES  
02-10738 RUIZ-MOTA, JUAN M. V. UNITED STATES  
02-10739 SMITH, WILFORD V. UNITED STATES  
02-10741 DIAZ-CLARK, HECTOR R. V. UNITED STATES  
02-10742 WHITESELL, RAYMOND V. UNITED STATES  
02-10743 VILLAREAL-RODRIGUEZ, M. V. UNITED STATES  
02-10746 EMBREY, WILLIAM J. R. V. UNITED STATES  
02-10747 CHAVEZ, ARMANDO V. UNITED STATES  
02-10749 CARLISLE, RENEIKO V. UNITED STATES  
02-10750 DINNALL, WIDNEY T. V. UNITED STATES  
02-10754 MARTINEZ, ROLAND V. UNITED STATES  
02-10759 CORONA-MARTINEZ, FRANCISCO V. UNITED STATES  
02-10764 WALLS, BANTHONY M. V. UNITED STATES  
02-10765 WILLIAMSON, MARCUS T. V. UNITED STATES  
02-10772 JACKSON, PATRICK V. UNITED STATES  
02-10773 BOUCHER, EMORY J. V. UNITED STATES

02-10776 BROOKS, BILLY V. UNITED STATES  
02-10777 ORTEGA-TINOCO, SALVADOR V. UNITED STATES  
02-10781 JOHNSON, SEAN D. V. UNITED STATES  
02-10782 MARTINEZ, LUIS E. V. UNITED STATES  
02-10783 RAMIREZ, DANIEL S. V. UNITED STATES  
02-10784 RIGGS, KEVIN V. UNITED STATES  
02-10785 SOROLA-GOMEZ, JUAN V. UNITED STATES  
02-10787 WINEMAN, MICHAEL V. UNITED STATES  
02-10788 NEGRON, GUILLERMO V. UNITED STATES  
02-10793 WALLACE, WILTON D. V. UNITED STATES  
02-10807 JACKSON, ANTOINE V. UNITED STATES  
02-10821 WHITTENBURG, TIMOTHY V. UNITED STATES  
02-10822 GARCIA-FLORES, LUCIO A. V. UNITED STATES  
02-10823 GARCIA, JUAN V. UNITED STATES  
02-10825 GARZA-HERNANDEZ, JAIME V. UNITED STATES  
02-10827 BROWN, BRIAN J. V. UNITED STATES  
02-10828 BAUMANN, DAVID M. V. UNITED STATES  
02-10831 MARTINEZ, ARMANDO V. UNITED STATES

The petitions for writs of certiorari are denied.

02-1305 DICKSON, MARK H., ET AL. V. MICROSOFT CORP., ET AL.

The petition for a writ of certiorari is denied.

Justice Souter took no part in the consideration or  
decision of this petition.

02-1514 SWARTZ, MITCHELL R. V. SCHERING-PLOUGH CORP.

The petition for a writ of certiorari is denied.

Justice Breyer took no part in the consideration or  
decision of this petition.

02-1591 NE TELECOMMS. ASSN., ET AL. V. LINCOLN, NE

The motion of Independent Telephone & Telecommunications Alliance, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

02-10475 SMITH, GLENN C. V. CROSBY, SEC., FL DOC

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

#### **HABEAS CORPUS DENIED**

02-10934 IN RE JAMES NORWOOD HUTCHING

The petition for a writ of habeas corpus is denied.

#### **MANDAMUS DENIED**

02-10175 IN RE JIMMIE ODELL BRUNER

02-10335 IN RE TIMOTHY R. CLARK

The petitions for writs of mandamus are denied.

#### **REHEARINGS DENIED**

01-10784 MORRISON, FABIAN V. UNITED STATES

02-1138 STEPHENS, RANDALL G. V. UNION CARBIDE CORP., ET AL.

02-1208 MEADE, ROBERT E. V. DECISIONS OF THE ORPHANS' CT

02-1266 McDONALD, JESSIE D. V. TENNESSEE

02-1274 MIDDLESTEAD, DAWN B. V. TAYLOR, ARTHUR, ETC., ET AL.

02-1412 BIRD, DONALD M. V. DAVIS, GOV. OF CA, ET AL.

02-7612 BROOKS, LYNN V. WALLS, WARDEN

02-8659 SMITH, MILTON V. IL DOC, ET AL.  
02-9044 HALL, EDWARD V. LENDIS, ZOI  
02-9108 CROWELL, KELVIN V. MISSISSIPPI, ET AL.  
02-9221 PALMER, ROY L. V. DEPT. OF JUSTICE, ET AL.  
02-9244 IN RE FRANK SACCO  
02-9285 VERA, ARMANDO C. V. OGDEN CITY, UT  
02-9291 BOLTZ, ROBERT A. V. UNITED STATES  
02-9335 NEWLAND, ROBERT L. V. TURPIN, WARDEN  
02-9363 STROUPE, EDWARD E. V. TANDY CORP., ET AL.  
02-9364 BROWN, EDWARD L. V. FLORIDA  
02-9678 ADAMS, PHILLIP A. V. TEXAS  
02-9782 BOONE, LEROY V. USCA 4  
02-9916 IN RE ALFONSO PEDRAZA

The petitions for rehearing are denied.

#### **ATTORNEY DISCIPLINE**

D-2348 IN THE MATTER OF DISBARMENT OF MILES HARTMAN APPLEBERRY

Miles Hartman Appleberry, of San Antonio, Texas, having been suspended from the practice of law in this Court by order of March 10, 2003; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Miles Hartman Appleberry is disbarred from the practice of law in this Court.

D-2349 IN THE MATTER OF DISBARMENT OF EDWARD NICHOLAS DANERI

Edward Nicholas Daneri, of San Antonio, Texas,

having been suspended from the practice of law in this Court by order of March 10, 2003; and a rule having been issued requiring him to show cause why he should not be disbarred;

It is ordered that Edward Nicholas Daneri is disbarred from the practice of law in this Court.

D-2350 IN THE MATTER OF DISBARMENT OF STEVEN M. CARSEY

Steven M. Carsey, of Fort Worth, Texas, having been suspended from the practice of law in this Court by order of March 10, 2003; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Steven M. Carsey is disbarred from the practice of law in this Court.

D-2351 IN THE MATTER OF DISBARMENT OF RONALD BRUCE LAYER

Ronald Bruce Layer, of San Antonio, Texas, having been suspended from the practice of law in this Court by order of March 10, 2003; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Ronald Bruce Layer is disbarred from the practice of law in this Court.

D-2352 IN THE MATTER OF DISBARMENT OF DENNIS FRANCIS MONAHAN

Dennis Francis Monahan, of Medway, Massachusetts, having been suspended from the practice of law in this

Court by order of March 10, 2003; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Dennis Francis Monahan is disbarred from the practice of law in this Court.

D-2353 IN THE MATTER OF DISBARMENT OF JAMES ANTHONY GIBBONS

James Anthony Gibbons, of Clinton, Massachusetts, having been suspended from the practice of law in this Court by order of March 10, 2003; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that James Anthony Gibbons is disbarred from the practice of law in this Court.

**RECESS ORDER**

The Court will take a recess from today until Thursday, June 26, 2003.